

AO93 Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the
District of Arizona

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<p>NOV 06 2022</p> <p>CLERK U S DISTRICT COURT DISTRICT OF ARIZONA</p> <p>BY _____ DEPUTY</p>	

In the Matter of the Search of:

Case No. 22-4403 MB

A single wide immobile white travel trailer located at GPS coordinates 36.5828969, -110.7828324, located just north of mile post 350, off State Route 98, in Inscription House.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of Arizona:

As further described in Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal:

As set forth in Attachment B.

YOU ARE COMMANDED to execute this warrant on or before November 20, 2022 (not to exceed 14 days)
☐ in the daytime 6:00 a.m. to 10:00 p.m. ☒ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to any United States Magistrate Judge on criminal duty in the District of Arizona.

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized ☐ for 30 days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.

Digitally signed by Camille D.

Bibles

Date: 2022.11.06 00:27:33 -07'00'

Camille D. Bibles

Date and time issued: _____

Judge's signature

City and state: Flagstaff, Arizona

Honorable Camille D. Bibles, U.S. Magistrate Judge

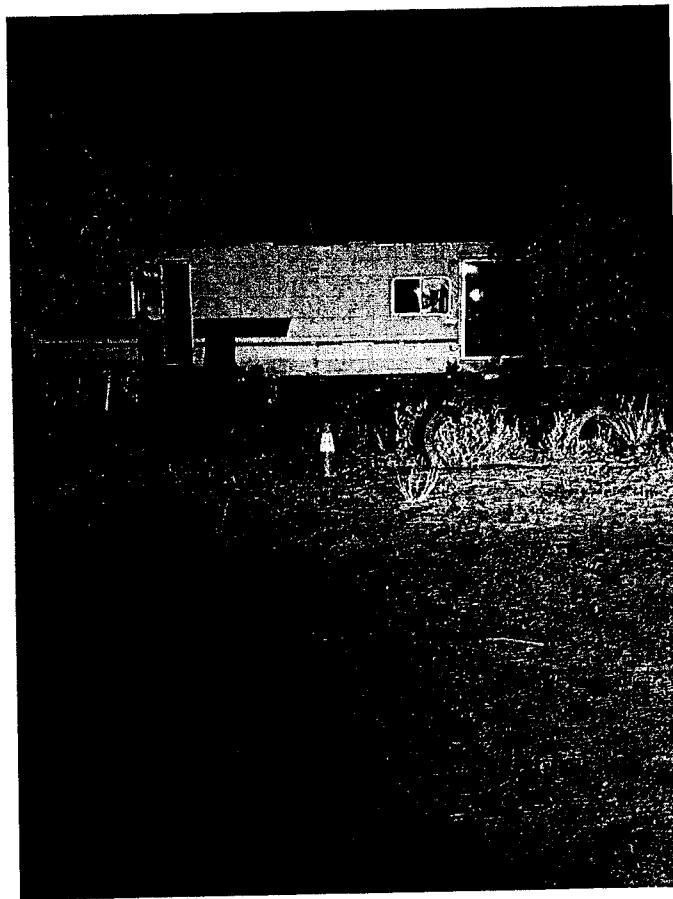
Printed name and title

ATTACHMENT A – PROPERTY TO BE SEARCHED

DESCRIPTION: The premises to be searched is single wide immobile white travel trailer located north of mile post 350, off State Route 98, in Inscription House on the Navajo Nation Indian Reservation, in the District of Arizona. The premises is believed to be the residence of and/or occupied by Eric Kinney, an Indian male. The trailer has a door on the southeast side and a sliding door on the northeast side.

GPS COORDINATES: 36.5828969, -110.7828324

PHOTO ATTACHED: Yes.



ATTACHMENT B – THINGS TO BE SEARCHED FOR AND SEIZED

1. Any evidence of manslaughter, including blood evidence, dried blood or substances that appear to be blood, which may be on the floors, walls, clothing, bedding, furniture, weapons, or items used to clean up same (such as cloth towels, washcloths, or paper towels).

2. Any weapons to include but not limited to firearms, projectiles, blunt instruments, and knives, that are in the residence or within the curtilage of the residence and which have appeared to have any blood, tissue (e.g., skin), or hair on them, that are in near proximity to any blood or substances that appear to be blood.

3. Any cellular phones/devices in the residence (If recovered, separate warrants will be sought to search such devices.)

4. Indicia of ownership, occupancy, and/or use of the residence, including such things as: mail (e.g., bills) that may be addressed to the occupant(s); driver's licenses and/or identification cards; personal property such as clothing that may identify the owners and/or occupants of the structure; and photographs of the owners and/or occupants at the structure.

5. Photographs of the residence and the things seized.

AO 106 Application for a Search Warrant

UNITED STATES DISTRICT COURT

for the
District of Arizona

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In the Matter of the Search of

Case No. 22-4403 MB

A single wide immobile white travel trailer located at GPS coordinates 36.5828969, -110.7828324, located just north of mile post 350, off State Route 98, in Inscription House.

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

As further described in Attachment A

located in the District of Arizona, there is now concealed:

As set forth in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code/Section	Offense Description
18 U.S.C. §§ 1153 and 1112	CIR – Manslaughter

The application is based on these facts:

See attached Affidavit of Special Agent Brandon King

☒ Continued on the attached sheet.

☐ Delayed notice of 30 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Alanna Kennedy *AK**Brandon King*
Applicant's Signature

S/A Brandon King, FBI

Printed name and title

Sworn to telephonically.

Camille D. Bibles

Digitally signed by Camille D. Bibles
Date: 2022.11.06 00:26:52 -07'00'

Date: _____

Judge's signature

City and state: Flagstaff, ArizonaHonorable Camille D. Bibles, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

ELECTRONICALLY SUBMITTED AFFIDAVIT IN SUPPORT
OF AN APPLICATION FOR A SEARCH WARRANT

I, FBI Special Agent Brandon King, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been since 2019. Your affiant previously served as a sworn law enforcement officer for approximately four years with the Akron Police Department, in Akron, Ohio. I am a graduate of the FBI Training Academy in Quantico, Virginia, where I received training in narcotics investigations, white collar crime, cyber-crime, interviewing, interrogation, evidence collection, intelligence analysis, and legal matters, among other topics. I am currently assigned to the Flagstaff Resident Agency of the Phoenix Division. I am an "investigative or law enforcement officer" within the meaning of 18 U.S.C. § 2510(7), that is, I am an officer of the United States who is authorized by law to conduct investigations of, and make arrests for, offenses enumerated in Title 18. In the course of my official duties, I am charged with the investigation of crimes occurring on the Navajo Nation Indian Reservation (Navajo Nation) and Hopi Indian Reservation (Hopi) within the District of Arizona. Based on my training, education, and experience, I know that the Navajo Nation and Hopi reservations are federally recognized tribes.

2. The information contained in this affidavit comes from my personal observations, my training and experience, and information obtained from other agents, officers, and witnesses. This Affidavit is intended to show merely that there is sufficient

probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

INTRODUCTION

3. As more fully described below, this matter involves the investigation of a deceased individual, F.K., an Indian male, discovered inside a trailer in Inscription House, Arizona, within the confines of the Navajo Nation Indian Reservation, on November 5, 2022.

4. This affidavit supports the application for a search warrant authorizing the search of an immobile, trailer. There is probable cause to believe that there is evidence of violations of 18 U.S.C. §§ 1153 and 1112, CIR – Manslaughter. The trailer is particularly described in **Attachment A**, and the evidence being sought is particularly described in **Attachment B**.

PROBABLE CAUSE

5. On November 5, 2022, at approximately 2:00pm, law enforcement received a call about an unresponsive male inside a trailer. The location of the trailer was described as north of mile post 350, off State Route 98, in Inscription House, Arizona. Officer Marilyn Littleben responded and arrived at approximately 2:55pm.

6. Several people were already present at the scene when Officer Littleben arrived. Officer Littleben spoke with the owner of the trailer, Delsina Kinney. Delsina stated there was a body inside the trailer. Delsina gave officers consent to go inside the trailer.

7. Officer Littleben entered through a southeast door and observed blood splatter on the inside of the door and on the floor. Officer Littleben observed a human body lying face down on the north side of the trailer in a pool of blood. Officers checked for a pulse, but the body was cold and stiff. Officers observed two stab wounds to the chest and numerous stab wounds to the back.

8. Officers checked around the trailer for footprints. Officers located footprints on the north and south side of the trailer. Officers secured the scene by placing cones outside.

9. FBI agents spoke with F.K.'s girlfriend, Davilena Aguero, via telephone. Aguero said she went to "Eric's house." Aguero observed F.K. laying on the ground and Eric was close to the body. She asked, "Is that [F.K.]?" Aguero yelled for F.K. to get up and asked, "did you do this?" Eric responded, "no but you'll find out soon." Aguero then called police from another location.

10. Delsina Kinney, aunt to F.K. and Eric, informed FBI agents that both Eric and F.K. are Navajo.

THINGS TO BE SEARCHED FOR AND SEIZED

11. Based on the foregoing, your Affiant seeks permission to search the immobile travel trailer described in **Attachment A** for evidence pertaining to violation of 18 U.S.C. § 1112.

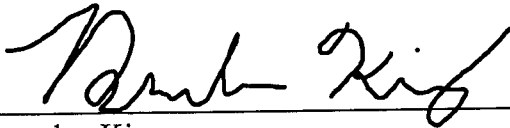
12. The things to be searched for and seized are described further in **Attachment B**.

CONCLUSION

13. This affidavit is sworn telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose.

14. Based on the information in this affidavit, your Affiant respectfully submits there is probable cause to believe that evidence described in **Attachment B** supporting an investigation related to violations of 18 U.S.C. §§ 1153 and 1112, will be found in the premises described in **Attachment A**.

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct to the best of my knowledge and belief.



Brandon King
Special Agent, FBI

Sworn by Telephone

Date/Time: _____

11/5/2022

Date

**Camille D.
Bibles**

Digitally signed by
Camille D. Bibles
Date: 2022.11.06
00:26:28 -07'00'

Honorable Camille D. Bibles
United States Magistrate Judge